

REMARKS

Applicant would like to thank the Examiner for The Office Action mailed January 31, 2002 has been reviewed and carefully considered. Claim 8 is cancelled. Claim 1 has been amended. Claims 1-7 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed January 31, 2002, claims 1-8 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter not described in the original specification. More specifically, the Examiner states that the limitation which requires that the length of the individual channels has a length that is smaller than the diameter of the channels is not supported in the original disclosure. Claim 1 has been amended to state that the length of the individual channels is greater than the diameter of the channels. This is shown in the drawings of the original disclosure at Fig. 2 and 3 in which the channels of an antisurge element 11 are defined between plastic grains 14 and the length of the channels from the outside of the element 11 to the equalizing opening is greater than the diameter defined between the grains 14. In view of the above amendments and remarks, it is respectfully submitted that rejection of claims 1-8 under 35 U.S.C. §112, first paragraph, now be withdrawn.

In the Office Action mailed January 31, 2002, claims 1 and 4-8 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,694,968 (Devall).

Claims 2-3 stand rejected under 35 U.S.C. §103 as unpatentable over Devall in view of U.S. Patent No. 5,085,773 (Danowski).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention is

directed to an antisurge element that is arranged at the opening of a ventilation device. The antisurge device includes a fixed component having a plurality of individual channels each of the channels has a length and a diameter, wherein the length is longer than the diameter. The plural individual channels are arranged so that they allow a flow of a gas medium therethrough and so that they produce a resistance to liquid flow which prevents sloshed fuel in the fuel tank from entering the ventilation device.

Independent claim 1 now recites, "said antisurge element comprising a fixed component having a plurality of individual channels, each of said plural individual channels having a diameter that is smaller than a diameter of said equalizing opening and having a length that is larger than the diameter of said each of said plural individual channels, wherein a configuration of said plural individual channels is operatively arranged for allowing a flow of a gas medium therethrough and producing a resistance to liquid flow which prevents sloshed fuel in the fuel tank which splashes against said antisurge element from entering said ventilation device".

In contrast to the present invention, Devall discloses a device for controlling the discharge of fuel vapor from a fuel tank which includes a canister with a baffle plate 64 arranged on the bottom thereof. The canister also include a fuel-limit valve 10 which closes when fuel enters a certain height in the canister. The baffle plate 64 has holes or openings 164 which allow fuel to flow therethrough. The Examiner argues that it would be obvious to change the width of the channels to increase gas flow while preventing the introduction of splashed or sloshed fuel into the equalizing opening. However, the openings 164 are designed to allow fuel therethrough because the baffle plate is designed to be submerged when the tank is full of fuel as shown in Figs. 6 and 7 of Devall. Since the baffle plate 64 of Devall is designed to be submerged, at least

when the fuel tank is full, there is no disclosure for changing the width or length of the channels to prevent splashed fuel from passing through the holes. Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Devall.

Furthermore, independent claim 1 is also not obvious over Devall. The baffle plate of Devall is submerged when the tank is full of fuel. Therefore, the baffle plate is designed to allow fuel to flow through the holes. Since the baffle plate is designed to let fuel flow through the holes, there is no motivation for modifying the holes 164 to prevent sloshed fuel from flowing through them. Furthermore, Devall teaches the requirement of a valve to prevent the fuel from entering the venting control system (see col. 3, lines 57-60). The valve is connected between the baffle plate and the equalizing opening. Since Devall teaches the use of a valve to prevent fuel from entering the vent control system, Devall fails to teach or suggest that the antisurge device comprises one fixed piece having channels that are arranged for allowing the passage of air therethrough and preventing the passage of splashed or sloshed liquid as recited in independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 is allowable over Devall.

Danowski fails to teach what Devall lacks. Danowski discloses a fuel filter made of disks of sintered plastic parts. The fuel filter is designed to allow fuel to flow through the sintered parts. There is no teaching or suggestion for an antisurge device having channels arranged to allow the flow of a gas medium and prevent the flow of sloshed fuel. In view of the above amendments and remarks, it is respectfully submitted that independent claim 1 is allowable over Devall in view of Danowski.

Dependent claims 2-7, being dependent on independent claim 1 are allowable for at least the same reasons that independent claim 1 is allowable.

Serial No.: 09/843,348

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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AMENDMENTS TO THE CLAIMS SHOWING CHANGES

IN THE CLAIMS:

Please cancel claim 8, without prejudice.

Please replace claim 1 with the following amended claim:

1. (Amended) A ventilation device for a fuel tank having an equalizing opening arrangeable in the fuel tank for equalizing a fuel tank pressure in the fuel tank with an ambient pressure surrounding the fuel tank, said ventilation device comprising an antisurge element arranged in front of said equalizing opening, said antisurge element comprising a fixed component having a plurality of individual channels, each of said plural individual channels having a diameter that is smaller than a diameter of said equalizing opening and having a length that is larger [smaller] than the diameter of said each of said plural individual channels, wherein a configuration of said plural individual channels is operatively arranged for allowing a flow of a gas medium therethrough and producing a resistance to liquid flow which prevents sloshed fuel in the fuel tank which splashes against said antisurge element from entering said ventilation device.